

**FILED**

DEC 14 2016

CLERK, U.S. BANKRUPTCY COURT  
WEST DIST. OF PENNSYLVANIA

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 16-21971-GLT  
: Chapter: 13  
Derrik Anthony Kuhns :  
Staci Ann Kuhns :  
: Date: 12/14/2016  
Debtor(s). : Time: 10:00

**PROCEEDING MEMO**

**MATTER:** #51 - Continued Motion for Relief from Stay Filed by Nationstar Mortgage LLC

**APPEARANCES:**

Debtor: Matthew R. Schimizzi  
Trustee: Jana Pail  
Nationstar: James Warmbrodt

**NOTES:**

Warmbrodt - Nationstar holds first mortgage on Debtors' rental property. Debtor values property at \$65,000. Payoff balance of \$60,731 as of the end of September 2016. Arrears of about \$9,500. Plan provides for sale of property to pay mortgage arrears, but no movement towards sale.

Schimizzi - Pursuing a sale of the property. Potential buyer. Requested the most recent accurate payoff amount before agreeing to a sale of the property to ensure there is not a deficiency at closing.

Warmbrodt - Payoff amount accurate as of the end of September, but has not received a more recent payoff.

Schimizzi - Offer discussed was between \$60,000 and \$65,000.

Court - Purchase price is tight in comparison to Nationstar's pay off amount and closing costs.

Schimizzi - No agreement to the actual purchase price. May need to negotiate such issues as who pays closing costs, etc. Parties want to move forward as quickly as possible.

Warmbrodt - Nationstar has received about three payments from the trustee during the course of the plan. Believes four payments were due.

Schimizzi - Current wage attachment should cure plan arrears.

Pail - Payments coming in are by wage attachment. Do not reflect the increased plan payment per the most recent proposed plan.

Schimizzi - Wage attachment remits \$2,257 bi-weekly. So, enough to cover the increased proposed plan payment.

Pail - Case filed in May and first plan payment did not post until July 25, 2016. Arrears accumulated in the beginning of the case. Nationstar received distributions in September, October, and November. Trustee has funds on hand to continue making distributions.

Court - If Nationstar is receiving distributions and wages are remitting, Nationstar is adequately protected as long as plan payments continue and progress is made towards a sale. Will give the Debtor some time to consummate a sale. Given the stated background, expects a sale to complete within the first quarter of 2017.

***OUTCOME:***

1. Nationstar to provide a pay off amount accurate through December 31, 2016 (with a per diem for subsequent interest accrual) to the Debtor within 14 days.
2. Matter continued to January 18, 2017 at 10:00 a.m.  
(Text Orders to issue).

**DATED:** 12/14/2016